

## **REMARKS**

### **A. BACKGROUND**

The present Amendment is in response to the Office Action mailed December 9, 2009. Claims 12-23 were pending and rejected in view of cited art. Applicant expresses appreciation to the Examiner regarding the allowability of claims 16-21 and 23. By this amendment claims 13 and 22 are canceled, claim 12 is amended, and new claims 24-27 are added. Claims 12-21 and 23-27 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, are consistent with the Examiner's understanding.

### **B. PRIOR ART REJECTIONS**

#### **I. REJECTION UNDER 35 U.S.C. §102(B)**

The Office Action rejected claims 12-15 and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,445,646 (*Euteneuer*). Because *Euteneuer* does not teach or suggest each and every element of the rejected claims, Applicant respectfully traverses this rejection in view of the following remarks.

Independent claim 12 has been amended to recite, in part, "the retraction device comprises a cylinder-piston arrangement operated by the fluid pressure of the liquid, the cylinder-piston arrangement comprises an outlet connected to a fluid pressure line for applying the fluid pressure to the expandable means"; a similar limitation being included in allowable independent claim 16. For at least the same reasons that independent claim 16 is allowable, Applicant respectfully submits that independent claim 12 and its dependent claims 14-15 are allowable and Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) of claims 12-15 be withdrawn.

Turning to new dependent claims 24-27, these dependent claims mirror dependent claims 17-21 and depend from allowable independent claim 23. Applicant respectfully submits that dependent claims 24-27 are allowable for at least the same reasons as independent claim 23.

C. CONCLUSION

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as provide the required motivation or suggestion to combine references with the other art of record.

For at least the foregoing reasons, Applicant respectfully submits that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 8th day of March, 2010.

Respectfully submitted,

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